

**THE MINUTES
FOR THE JANUARY 17, 2012
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
MEETING AT 6:00 P.M.**

Present: Mayor Doll, Trustees, Kehoe, Maline, McMullen, and Tobin, Village Clerk Donna Koch, Village Administrator Gene Guido, Village Attorney James Matthews.

PRESENTATIONS:

PUBLIC HEARINGS:

PUBLIC HEARING.

Continuation of Public hearing started December 20, 2011

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees having been held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 20th day of December, 2011, and the 3rd and 17th days of January, 2012, to consider the following proposed local law:

**LOCAL LAW "H" OF 2011
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT TO AMEND
CHAPTER 306 ZONING OF THE CODE
OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that amending the code to allow certain uses to be located in the Marine Business District as-of-right and by special use permit subject to conditions authorized by the Board of Zoning Appeals after a duly noticed public hearing will allow for a reasonable expansion of uses that will benefit the residents of the Village and surrounding community and also provide needed revenue to the owners of property located within the Marine Business District. By approving these code amendments, the Board seeks to strike a balance between the economic needs of the property owners where such uses will be located on the one hand, and the burden of such uses upon nearby properties on the other hand. The expansion of uses in the

Marine Business District also furthers the Board's desire to expand economic opportunities in the Village in a reasonable manner. In the past, the Village has adopted legislation approving outdoor sidewalk and private dining, outdoor street fairs and other such expansion of permitted uses and activities both on a permanent basis and also on a temporary, seasonal basis. The Board recognizes that there currently are substantial limitations on the types of commercial uses within the Marine Business District and believes the time has come to expand these uses in a way that gives due consideration to real and tangible impacts upon nearby properties. Restaurant, outdoor dining and special events with outdoor music require a special use permit from the Board of Zoning Appeals, which is required to consider adverse impacts upon nearby properties and, if feasible, impose conditions which significantly mitigate those impacts. The BZA also is empowered to impose reasonable conditions upon any approval and to require property owners to return to the BZA on an annual basis to monitor compliance with these conditions. There are certain specified low impact uses which are codified as unconditionally permitted uses. These uses are related to the marine usage of property in the Marine Business District. In sum, the Board finds that the legislation furthers the intent of the Board to allow expansion of uses in the Marine Business District in a manner that is consistent with the zoning policies of the Village and which will not have significant adverse impacts to area properties.

Section 2. Statutory Authority and Supersession

This Local Law is adopted pursuant to New York State Constitution, New York State Village Law, Municipal Home Rule Law and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply to all lands situated within the boundaries of the Incorporated Village of Northport which are located within the Marine Business District, as may be amended from time to time by the Board of Trustees of the Incorporated Village of Northport.

Section 4. Amendments

Chapter 306 of the code of the Incorporated Village of Northport shall be amended as follows:

Explanation of notations:

Existing text is reproduced in normal type.

Text to be added is indicated in Italics.

Text to be deleted is indicated by ~~striketroughs~~.

* * * indicates existing text to remain unchanged.

§ 306-14. Marine Business District.

A. Permitted uses. In the Marine Business District, lands shall be used and buildings shall be erected, altered or used only for the following purposes:

* * *

- (4) Boatyard, including *new and used* boat sales and brokerage and marine sales, rental, repair and storage.
- (5) Marina for private profit.
- (6) *Insurance sales, provided that boat insurance is available; sale of marine parts and accessories, such as inflatable rafts, rowboats, outboard motors, boat and fishing equipment, water sports equipment, marine electronics and communication equipment, boat covers, marine hardware and boating accessories; boater's clothing, footwear and swimwear; boat and marine engine repair and maintenance; seafood sales, wholesale and retail; food provisions store, which may have self-service seating for no more than eight (8) customers and will not be considered a restaurant use;*
- (7) *Such uses for which a special use permit has been granted by the Board of Zoning Appeals under section 306-39(2)(g) of this Chapter.*

B. Prohibited uses. In the Marine Business District, no land shall be used and no buildings shall be erected, altered or used for any purpose whatsoever if such use is not permitted by Subsection A hereof. Additionally, no use permitted by Subsection A shall be permitted if such use:

* * *

- (5) ~~Is a restaurant or other eating establishment.~~ *Features outdoor music, including outdoor live or amplified music, except as the Zoning Board of Appeals may allow for special events pursuant to section 306-39 (b)(2)(g). Note: this restriction is not intended to regulate music generated for the personal entertainment of boat owners and their guests while on board boats that are in the water, which sound is subject to regulation by the noise restrictions contained in the Village Code at §200 et. seq.*
- (6) *Is primarily a tavern or nightclub; a bar is permitted only if accessory to a restaurant use that has been granted a special use permit by the Board of Zoning Appeals pursuant to section 306-39(2)(g) of this Chapter.*
- (7) *Floating restaurant.*
- (8) *Ferries.*

(9) *Party boats.*

* * *

§ 306-39. Jurisdiction.

The Board of Appeals shall have jurisdiction in the following matters:

* * *

B. Permits. To issue permits for any of the uses for which this chapter requires the obtaining of such permits from the Board of Zoning Appeals. Approval of special use permits shall follow the procedures set forth in Village Law § 7-725-b.

* * *

(2) Specific requirements. In considering application for the following specific permits, the Board of Zoning Appeals, as a condition to its issuance of such permits, shall first determine that all the requirements indicated in the following provisions for such permit have been or will be met upon the issuance thereof and the satisfaction of which requirements shall be a continuing condition of the validity and existence of such permit. In addition to the minimum requirements hereinafter indicated, the Board of Zoning Appeals is also empowered to impose any further requirements or conditions to any permit which, in its opinion, are reasonably designed to further the interest and purpose of this chapter and which are in harmony with the provisions hereof.

* * *

(g) *Marine Business District.*

[1] *Uses Permitted by Special Use Permit:* *The following uses shall be permitted in the Marine Business District by special use permit subject to the conditions noted herein and any conditions imposed by the Board of Zoning Appeals which are designed to mitigate adverse impacts of the proposed use: (i) restaurant which serves alcoholic beverages but which does not feature outdoor music, including outdoor live or amplified music, and which has a maximum indoor square footage of 1,000 sq. ft. per restaurant, with the maximum square footage devoted to all restaurants on the entire marina property not to exceed 5% of the total square footage of space within buildings devoted to retail uses, excluding space devoted to boat repair, maintenance or storage; a maximum of 100 seats (indoor and outdoor combined) permitted for all restaurant uses for the entire marina property (note: there also are other restrictions on the number of seats permitted for outdoor dining set forth hereinafter in subsection [4](vii)); (ii) outdoor live and amplified music for no more than four (4) special events, each such event to be held on a single day between the hours of 12 pm and 8 pm, in any calendar year, for which a special use permit is obtained from the Board of Zoning Appeals; (iii) such other uses which the Board of Zoning Appeals finds is harmonious with existing uses and not harmful to*

adjacent properties

- [2] Standards to be Considered by the BZA: Before granting a special use permit the Board of Zoning Appeals shall take into consideration the following: (i) the impacts upon neighboring properties; (ii) traffic impacts, including adoption or modification of a parking plan as described in paragraph [3] herein; (iii) whether the floor area, seating or other physical attributes of a proposed use should be modified to mitigate adverse impacts; (iv) whether the specific location for the proposed use is appropriate; (v) whether the number of such uses should be limited due to impacts upon nearby properties; (vi) whether the proposed uses are in harmony with other uses on the subject property; (vii) all uses on the subject property must be lawfully existing before an additional use is granted; (viii) impact on municipal services; (ix) environmental and physical impacts of the proposed use; (x) whether the proposed use will be in compliance with the noise restrictions contained in the Village Code at §200 et. seq.; (xi) the Board of Zoning Appeals is authorized to grant special use permits of a limited time period and which require the owner and applicant to return to the Board of Zoning Appeals within a specified time period to monitor compliance with the BZA grant and to determine if any modifications are warranted due to the impacts within and upon abutting properties; (xii) Compliance with the general standards applicable to special use permits at code §306-39-B(1); (xiii) applicants requesting a waiver or variance from any permit requirement must set forth variance proof to support a grant of the requested relief and specify the nature of this request in the public notice posted on the property and mailed to adjacent property owners.
- [3] Parking Plan Requirement: Before granting a special use permit, the Board of Zoning Appeals must approve a Master Parking Plan (“MPP”) that provides for adequate parking for all on-site uses. The proposed MPP shall be referred to the Planning Board for review and recommendations. A MPP that has been approved by the BZA shall apply to all uses on the marina property. For as-of-right uses, the building inspector shall rely on the approved MPP as same may be modified by the BZA from time to time. A change in use or new use which triggers an increased parking requirement not provided for in the MPP shall require an application to the BZA. Changes in use or new uses which do not trigger an increased parking requirement shall be approved by the building inspector.
- [4] Outdoor Dining: Restaurant uses may be granted permission for outdoor dining subject to compliance with the following: (i) no outdoor music, including outdoor live or amplified music; (ii) all patrons outdoors must be at tables for the purpose of dining, where service of food and beverages, including alcoholic beverages, shall be by waiter/waitress service only; (iii) there shall be no congregating by patrons in outdoor areas for any other purposes, except in a designated waiting area only if approved by the BZA, provided that no consumption of alcoholic beverages shall be permitted in a designated outdoor waiting area; (iv) all outdoor areas shall be specifically designated on a seating plan approved by the BZA and devoted to tables for diners without any other

- activities; (v) outdoor seating prohibited after 10:00 p.m. Sunday through Thursday, except holiday eves and after 11:00 p.m. Friday, Saturday and holiday eves; (vi) except for a service bar, no bar area where customers are served food or beverages directly or where any bar stools or seats are located may be located outside; (vii) the BZA shall determine the maximum number of outdoor seating for each restaurant, but in no event shall outdoor seating be permitted for more than 65 persons per restaurant and for more than 75 persons in total for outdoor dining for all restaurants on-site.
- [5] Indoor Music Restriction: If live or amplified music is played indoors, then doors, windows or other openings must stay closed for the entire duration of such music, excepting such ingress and egress as is necessary for fire protection purposes and for general safety of patrons and employees. Furthermore, indoor music is permitted only until 9 pm on Fridays, Saturdays and Holiday Eves; on all other days, indoor music is permitted only until 8 pm. For the purposes of this section, “holiday eves” shall mean the day before a nationally recognized holiday.
- [6] Pending Applications: As to pending applications for relief relating to the subject matter of the amendments, the applicant and property owner are required to re-apply under the enacted provisions of this code amendment.
- [7] Lawfully Existing Uses May Continue: Lawfully existing uses may continue and are not required to obtain any relief from the BZA to continue. A change in any such use that triggers a greater parking requirement shall be required to apply to the BZA for relief and/or modification of an existing Master Parking Plan (“MPP”) unless there is an approved MPP which provides for sufficient parking for such change in use.
- [8] Current Restaurant Uses in the Marine Business District: There are currently no lawfully existing restaurant uses in the Marine Business District, either as a nonconforming use or by virtue of any approval of any Board of the Village of Northport, including the Board of Zoning Appeals. Specifically, the restaurant use known as “Whales Tales” at Britannia Marina is not a lawful nonconforming use or a use that has been authorized by covenants and restrictions that restrict uses at Britannia Marina or by any decision of the Board of Zoning Appeals. After the enactment of this code amendment, this and all restaurant uses hereafter proposed to be located in the Marine Business District zone must comply with this code amendment and obtain the necessary special use permit from the Board of Zoning Appeals in accordance with the requirements and subject to the restrictions set forth in the Marine Business District code as amended.
- [9] Marine Business District Code Supersedes Restrictive Covenants: If there are restrictive covenants in effect for a property that conflict with these code sections for the Marine Business District, then ~~these code sections and the Board of Zoning Appeals permits and variances granted hereunder shall supersede said restrictive covenants.~~ the Board of Zoning Appeals is authorized to grant a modification of such covenants consistent with

determinations it makes under this chapter.

[10] Enforcement. *In addition to code enforcement officials of the Village, sworn officers of the Northport Village Police Department are authorized to issue summonses for any violations of this chapter and any violations of restrictions and conditions imposed by the Board of Zoning Appeals on any special use permits or other grants.*

* * *

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Several Milland Dr. residents were present and reiterated what had been discussed at the hearings of December 3rd and 17th. One area of concern was the waiting area and that no alcohol shall be served while patrons are waiting for a table. The Board agreed with this change.

On the motion of Trustee McMullen and seconded by Trustee Kehoe the public hearing was closed.

PUBLIC PARTICIPATION: Leo Montagna asked the Mayor to have the Clerk read his letter. Mayor Doll denied this request. Mr. Montagna then read his letter. (a copy of which is annexed to these minutes) Mayor Doll stated that Mr. Montagna's letter was his analysis of the assessments. As far as the Village's assessment it is legal and is the same process the Village has always used. Mayor Doll stated that he has been educating himself and it would cost the Village over \$450,000 to reassess and between \$50,000 to \$100,000 a year to maintain. Mr. Matthews explained that there are systems in place for anyone who feels they are being over assessed.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee Maline and seconded by Trustee McMullen the following bills were approved for payment.

Fiscal Year 2011/2012 General Fund bills in the amount of \$ 150,113.29

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following bills were approved for payment.

Fiscal Year 2011/2012 Capital Fund bills in the amount of \$ 1899.39

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following bills were approved for payment.

Fiscal Year 2011/2012 Sewer Fund bills in the amount of \$ 4,710.70

On the motion of Trustee McMullen and seconded by Trustee Tobin the following bills were approved for payment.

Fiscal Year 2011/2012 Trust Fund bills in the amount of \$ 651.00

On the motion of Trustee Tobin and seconded by Trustee Maline the following bills were approved for payment.

Fiscal Year 2011/2012 Fire Department bills in the amount of \$ 8,779.04**COMMISSIONER REPORTS:**

CHIEF OF POLICE REPORT: No Police report this evening.

ADMINISTRATOR'S REPORT:

NEW BUSINESS: No new business was discussed this evening.

OLD BUSINESS: No old business was discussed this evening.

CORRESPONDENCE: No correspondence was discussed this evening.

REQUESTS: No requests.

RESOLUTIONS:

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following resolution was unanimously approved.

RESOLUTION 2012 ~ 6 APPROVAL OF THE JANUARY 3, 2012 MINUTES

WHEREAS: Copies of the minutes of the January 3, 2012, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was put to a roll call vote:

Trustee Maline ~ Yes
Trustee Tobin ~ Yes
Mayor Doll ~ Yes

Trustee McMullen ~ Yes
Trustee Kehoe ~ Recues

**RESOLUTION 2012- 7 RESOLUTION OF THE BOARD OF TRUSTEES
THE VILLAGE OF NORTHPORT ISSUING SEQR NEGATIVE DECLARATION
RE: AMENDMENT TO CHAPTER 306 “ZONING” OF THE CODE OF THE VILLAGE
OF NORTHPORT: §306-14 MARINE BUSINESS DISTRICT USES**

WHEREAS, the Village of Northport intends to amend §306-14 of its Village Code, regarding uses in the Marine Business District, to:

1. Allow for additional permitted and conditionally permitted uses; and
2. Prohibit outdoor music, live or amplified; and
3. Restrict the size of each restaurant use and the overall amount of space that can be used for restaurant use; and
4. Restrict the number of persons permitted for outside dining at any one time; and
5. Require the property owner to develop a Master Parking Plan; and
6. Require a consideration of impacts on nearby properties before a grant of any conditionally permitted uses; and

WHEREAS, the Board of Trustees of the Village of Northport has determined that this is an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Board of Trustees of the Village of Northport declared its intent to be lead agency for the proposed action to amend section 306-14 of the Village Code , and

WHEREAS, the Board of Trustees of the Village of Northport, Suffolk County, New York, commissioned the preparation of a Long Form EAF to evaluate the potential environmental impacts of the zoning amendments and caused such EAF to be distributed in a coordinated review; and

WHEREAS, there has been no objection by any Involved Agency;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Northport, Suffolk County, New York, as follows:

7. Based upon its review and consideration of the environmental record including a Full Environmental Assessment Form (EAF) under the State Environmental Quality Review (SEQRA) and other necessary criteria, the Village Board of Trustees hereby finds that (a) the proposed Project

constitutes an “Unlisted” under SEQRA and that (b) the object of the above referenced Action will result in no major adverse impacts and, therefore, is not an Action which “may have a significant effect on the environment” and that since said Action will not have a “significant effect on the environment”, no “environmental impact statement” need be prepared, as such quoted terms are defined in the applicable SEQRA Regulations.

8. By reason of the foregoing, the Village Board hereby authorizes and directs the Village Mayor to execute and file a Negative Declaration in the form attached hereto and to sign and date the Full Environmental Assessment Form (EAF), confirming that the Project and all actions related thereto will not have a significant impact on the environment.
9. The Village Board hereby authorizes and directs the Village Mayor and the Village Clerk to forward copies of this Resolution and the Negative Declaration to the appropriate agencies.
10. The Village Clerk is hereby directed to maintain for public inspection a file containing a copy of this Resolution, the Negative Declaration and all submissions to date concerning the Environmental Review of this Project and all Actions related thereto.
11. This Resolution shall take effect immediately.

Before the vote Trustee Tobin made the following statement: I take the public’s concern very seriously. I will vote for this I feel there is a lot of protections. I want you to know I agree with your concerns. I will be monitoring the situation and want to keep up with you and if there is a problem that really needs to be addressed I will have no hesitation in bringing the issue back up. I will be looking to keep up with you on this.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was put to a roll call vote:

Trustee Maline ~ Yes
Trustee Tobin ~ Yes
Mayor Doll ~ Yes

Trustee McMullen ~ Yes
Trustee Kehoe ~ Recues

RESOLUTION 2012- 8 LOCAL LAW No. 1 OF 2012

WHEREAS: a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o’clock in the evening of the 20th day of December, 2011, to consider the following proposed local law:

LOCAL LAW No. 1 OF 2012 A LOCAL LAW OF

**THE VILLAGE OF NORTHPORT TO AMEND
CHAPTER 306 ZONING OF THE CODE
OF THE VILLAGE OF NORTHPORT**

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2012 – 9 ~LEAVE OF ABSENCE

BE IT RESOLVED: The Board of Trustees hereby approves a three (3) month leave of absence for Byran Kreitzman effective January 21, 2012 thru April 21, 2012.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2012-10~ PUBLIC SAFETY DISPATCH I

BE IT RESOLVED: Sean Sheridan an eligible candidate as certified by the Suffolk County Department of Civil Service is hereby hired contingently to the full time position of Public Safety Dispatch I at the recommendation of Police Chief Bruckenthal.

On the motion of Trustee Kehoe and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2012-11 ~ PART TIME PUBLIC SAFETY DISPATCH I

BE IT RESOLVED: That Matthew Bruckenthal an eligible candidate as certified by the Suffolk County Department of Civil Service is hereby hired as a Part time Public Safety Dispatch at an hourly rate of \$15.00/per hour effective January 29th, 2012.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2012- 12 ~ BID AWARD

WHEREAS: sealed bids were received on January 6, 2012 by the Village Clerk on behalf of the Incorporated Village of Northport, 224 Main Street, Northport, NY 11768 for one (1) 2012 Chevy Tahoe SS II and the same were opened publicly and read aloud, and

WHEREAS: Cars Unlimited of Suffolk County-112 Auto Group was the sole qualified bidder, with a price of \$ \$31,294.00

, now therefore

BE IT RESOLVED: that the Board of Trustees for the Incorporated Village of Northport hereby authorizes the purchase of (1) 2012 Chevy Tahoe SS II from Cars Unlimited of Suffolk County-112 Auto Group.

On the motion of Trustee Maline and seconded by Trustee Kehoe the following resolution was unanimously approved.

RESOLUTION 2012 -13 AUTHORIZING FILING OF APPLICATION WITH COUNTY OF SUFFOLK FOR FULL SEWER INFRASTRUCTURE FUNDING FROM THE COUNTY SEWER ASSESSMENT RESERVE FOR WASTE WATER TREATMENT PLANT (WWTP) AND COLLECTION SYSTEM IMPROVEMENTS FOR THE VILLAGE OF NORTHPORT SEWER DISTRICT FOR 2012 FOR SEWER RATE STABILIZATION PURPOSES

WHEREAS, Section 12-2 (D) of the SUFFOLK COUNTY CHARTER, adopted via countywide public referendum as part of the ¼% Drinking Water Protection Program (DWPP), provides for the allocation of 25% of the total revenues generated each year by the ¼% DWPP for sewer district tax rate stabilization in those instances in which a sewer district will experience an increase in rates of at least 3% in the aggregate for user charges, operations and maintenance charges, per parcel charges, and ad valorem assessments in any year in which these sewer district tax stabilization revenues are being allocated through the year 2030; and

WHEREAS, Section 12-2 (D) of the SUFFOLK COUNTY CHARTER was amended by Suffolk County Local Law 44-2011, without the benefit of a public referendum, to

change the funding formula for sewers by diverting a portion of the ¼% sewer funds to county general fund Retirement Contribution purposes, diverting a portion of ¼% sewer funds for county general fund Debt Service purposes, and diverting a portion of the ¼% sewer funds to sewer infrastructure, at least \$ 2 million per year of which is diverted to the installation of residential and commercial enhanced nitrogen removal septic systems for the period of 2011 through 2021; and

WHEREAS, a total of \$ 34,893,945.00 has been advanced from the 1/4% sewer funds in 2011 and 2012 for sewer infrastructure purposes and has been so budgeted in the adopted 2012 Suffolk County Operating Budget; and

WHEREAS, the projected amount of additional sewer infrastructure funding for 2013 is another \$ 15,525,000.00 under Suffolk County Local Law 44-2011, with at least \$ 6 million diverted to the enhanced nitrogen removal septic systems; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has imposed conditions on the Village of Northport Sewer District that will require the Village of Northport Sewer District to incur expenses for sewer infrastructure and sewage treatment and collection system improvement projects at an estimated cost of \$ 9,320,000.00; and

WHEREAS, the Village of Northport has obtained two grants from the New York State Department of Environmental Conservation (Contract No. C304409 and

Contract No. C303756) that together provide total reimbursements for expenses up to \$ 1,784,000.00, leaving unfunded expenses at an estimated cost of \$ 7,536,000.00; and

WHEREAS, this state mandated cost threatens the fiscal stability/solvency of the Village of Northport as well as the financial security and economic well being of all Northport Village Taxpayers; and

WHEREAS, the amount of revenues from the ¼% DWPP allocated to the Northport Sewer District for sewer district tax rate stabilization in the Adopted Suffolk County Operating Budget for 2012, i.e., \$126,851.00, is insufficient to mitigate the rate shock to Northport taxpayers that will arise out of paying for this state mandated cost; now, therefore be it

FUNDING REQUEST

1st **RESOLVED,** that the Village of Northport hereby requests the Suffolk County Legislature to appropriate \$ 7,536,000.00 to the Village of Northport Sewer District from Fund 404-ASSESSMENT STABILIZATION RESERVE-Reserved for Sewers (62.5% over \$ 140 Million) in the Adopted Suffolk County 2012 Operating Budget, pursuant to **Section 2-12 (D) (1) of THE SUFFOLK COUNTY CHARTER**, for Northport Village Sewer District expenses incurred for sewer infrastructure, sewage treatment, and sewage collection system improvement projects including, but not limited to installation, operation, and maintenance costs incurred by the Northport Village Sewer District in connection with the implementation of the DEC imposed plan and requirements for such projects; and be it further

APPLICATION

2nd **RESOLVED,** that Mayor and/or Deputy Mayor of this Village are hereby authorized and empowered to file such applications and such documents as shall be necessary to support the request for such funding identified in the 1st Resolved clause of this Resolution and the Mayor and/or Deputy Mayor of this Village are hereby authorized and empowered to execute such documents and agreements as shall be necessary and proper to secure the funding identified in the 1st Resolved clause of this Resolution, in any such amounts as may be approved and appropriated by the County of Suffolk ; and be it further

COOPERATION

3rd **RESOLVED**, this Board hereby agrees to submit such additional information, and execute such pro forma documents, as may be deemed necessary and proper for the timely processing of the application for funding identified in the 1st Resolved Clause of this Resolution and for the timely payment of same, as may be requested by the Suffolk County Legislature; the office of the County Executive; the Suffolk County Department of Finance and Taxation, pursuant to Section 15-2 (A) of the SUFFOLK COUNTY CHARTER; and/or the Suffolk County Department of Audit and Control pursuant to Section 5-2 (C),(D), (E), & (G) of the SUFFOLK COUNTY CHARTER; and be it further

IMPLEMENTATION

4th **RESOLVED**, that **the Clerk of this Village is hereby authorized, empowered, and directed to immediately forward a certified copy of this Resolution** to each member of the Suffolk County Legislature and to file a certified copy of this Resolution with the Clerk of the Suffolk County Legislature (Timothy Laube), with Suffolk County Comptroller Joseph Sawicki, Jr., and with the Office of Suffolk County Executive Steve Bellone for the purposes of county implementation via a duly enacted Resolution of the County of Suffolk; and be it further

SEQRA

5th **RESOLVED**, that this Board, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this Resolution is a Type II action pursuant to Title 6 NYCRR Section 617.5(c)(20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, this Legislature has no further responsibilities under SEQRA; and be it further

APPLICABILITY

6th **RESOLVED**, that this Resolution shall take effect immediately and shall apply to all actions and activities occurring on or after said Effective Date.

The next regular meeting of the Board of Trustees will be on February 7, 2012 at 6:00 P.M

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

Meeting adjourned: 9:45 PM.

Respectfully submitted,

Donna M. Koch
Village Clerk

1-8-2012

Dear Mayor and the Board Of Trustees.

After speaking at the contentious Budget meeting on January 3 I would appreciate it if the Mayor would read this letter at the next board meeting and included it in the minuts to clarify what transpired.

First I would like to sincerely apologize for the poor choice of words in my letter to the Mayor and the Trustees by saying "they were in the pocket of others". There is no possible excuse for that. If the mayor did not rule me out of order I would have been given the chance to clarified my error by noting my intention was to highlight the fact that years of silence on the under assessment property issue is the "moral" equivalent of allowing "stealing" to take place from the pockets of those who are paying more than their fair share of taxes.

Is it legal ,Yes .Is it wrong,yes again!.Can it be fixed,yes again

Secondly, I want to make it perfectly clear that any Board member who thinks I was upset by the increase in the tax rate is mistaken or that my goal is to disincorporate the village.Only citizens can make those determination in the ballot voting box. My letter made it perfectly clear that my fundamental concerns were about open and honest government to insure vil age residents can make informed decisions based on honest facts rather than obscured budget analysis and smoke screens to divert attention from the need to focusing in on conflicts of interest,ethics and moral judgements instead of about what is legal or illegal..

Every informed person knows that there are times when the law is an imperfect tool of justice and the appearance of a conflict of interest, overlooking moral implications and a lack of ethical standards play an important role in making sure government is adminstrated honestly and effectively.

Fair be it for me to preach to others because I am far from perfect.In that regard, I wish it would not be necessary but some of the boards inaction and action requires me to simply remind the Mayor and the Trustees that following the law is only the beginning of their responsibilities as elected officials and not the end of them.

Leo Montagna
15 Fleet Court
Northport NY 11768
631 757 2579



RECEIVED
JAN 9 10 48
VILLAGE OF NORTHPORT

Sunday, January 08, 2012 AOL: L.Mont133